

In contrast, Lou fails to disclose a bypass capacity that includes forming a first electrode in a first metal layer. Rather, Lou discloses a method and apparatus for forming a multi-layer capacitor in a DRAM memory cell (Lou, Col. 3, Lines 19-21). Lou also discloses that a first conductive layer of the multi-layer capacitor is formed by doped amorphous silicon (Lou, Col. 5, Lines 11-16). Lou further discloses that a dielectric is deposited over the first conductive layer with a second conductive layer formed over the dielectric (Lou, Col. 6, Lines 6-23). In essence, Lou discloses a capacitor that is formed from doped amorphous silicon.

On the other hand, the invention, as recited by claims 1-4 and 7-13, include a first electrode formed from a first metal layer. Clearly, the electrodes of the capacitor disclosed by Lou is constructed only from doped amorphous silicon. Moreover, there is no suggestion in Lou for the substitution of metal to form the electrodes of the capacitor. As such, doped amorphous silicon is not metal.

Accordingly, Lou fails to disclose the invention as recited by claims 1-4 and 7-13 and is distinguished from the cited prior art. Thus, it is respectfully requested that the rejection to claims 1-4 and 7-13 be withdrawn.

35 U.S.C. § 102(b) REJECTION OF CLAIMS 5-6

In the Office Action, claims 5-6 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Lou. The Applicants respectfully traverse the rejection.

Claims 5-6 recite, *inter alia*, a method of forming a bypass capacitor that includes forming a first electrode in a first metal layer.

As discussed above, Lou fails to disclose, teach or suggest forming a capacitor from a metal layer much less a by-pass capacitor. Although doped amorphous silicon is conductive, doped amorphous silicon is not metal. Accordingly, Lou fails to teach or suggest the

invention as recited by claims 5-6. Thus, it is respectfully submitted that claims 5-6 are distinguishable over the cited prior art and that the rejection to claims 5-6 be withdrawn.

CONCLUSION

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, the Applicants respectfully request issuance of a Notice of Allowability. If the undersigned attorney can assist in any matters regarding examination of this application, the Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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